

**IN UNITED STATES BANKRUPTCY COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

IN RE:

USA Roofing Partners, LLC

Debtor

§
§
§
§
§
§

Case No. 22-33691-H5-11

APPLICATION TO EMPLOY ATTORNEYS

THIS MOTION SEEKS AN ORDER THAT MAY ADVERSELY AFFECT YOU. IF YOU OPPOSE THE MOTION, YOU SHOULD IMMEDIATELY CONTACT THE MOVING PARTY TO RESOLVE THE DISPUTE. IF YOU AND THE MOVING PARTY CANNOT AGREE, YOU MUST FILE A RESPONSE AND SEND A COPY TO THE MOVING PARTY. YOU MUST FILE AND SERVE YOUR RESPONSE WITHIN 21 DAYS OF THE DATE THIS WAS SERVED ON YOU. YOUR RESPONSE MUST STATE WHY THE MOTION SHOULD NOT BE GRANTED. IF YOU DO NOT FILE A TIMELY RESPONSE, THE RELIEF MAY BE GRANTED WITHOUT FURTHER NOTICE TO YOU. IF YOU OPPOSE THE MOTION AND HAVE NOT REACHED AN AGREEMENT, YOU MUST ATTEND THE HEARING. UNLESS THE PARTIES AGREE OTHERWISE, THE COURT MAY CONSIDER EVIDENCE AT THE HEARING AND MAY DECIDE THE MOTION AT THE HEARING.

Please take notice that a hearing for the Application to Employ Attorneys is scheduled for February 22, 2023 at 11:00 a.m., in Courtroom 403, 515 Rusk St. Houston, TX, and will be held **electronically**.

To participate electronically, parties must follow the instructions set forth on Judge Normans's web page located at:

<https://www.txs.uscourts.gov/page/united-states-bankruptcy-judge-jeffrey-p-norman>

Parties are additionally instructed:

The dial in number for hearings before Judge Norman is 832-917-1510 and the conference room number is 174086; and

For video appearances and witness testimony, parties are to utilize the **GoToMeeting** web-based application and enter conference code: judgenorman.

TO THE HONORABLE UNITED STATES BANKRUPTCY JUDGE:

USA Roofing Partners, LLC (“USA Roofing” or “Debtor”), hereby files this Application to Employ Attorneys (“Application”) on its behalf and respectfully represents as follows:

1. USA Roofing filed a voluntary petition for relief on December 9, 2022, under Chapter 11 of Title 11, United States Code 11 U.S.C. § 101 *et seq.* (the “Bankruptcy Code”).
2. The USA Roofing case is pending before the United States Bankruptcy Court for the Southern District of Texas, Houston Division.
3. USA Roofing is a Texas limited liability company with offices in Spring, Texas.
4. To perform the legal services required in connection with this chapter 11 case, the Debtor desires to employ Reese W. Baker and Baker & Associates (“Baker”) to act as the attorney for the Debtor in all matters arising in or related to this case, and to designate Reese W. Baker as the attorney in charge, effective as of the date hereof. Mr. Baker’s address is 950 Echo Lane, Ste 300, Houston, Texas 77024.
5. The professional services to be rendered on behalf of the Debtor by Baker in this case include all legal services arising in or related to the captioned Chapter 11 case, including, without limitation the following:
 - a. Analysis of the financial situation, and rendering advice and assistance to the Debtor;
 - b. Advising the Debtor with respect to its duties as debtor;
 - c. Preparation and filing of all appropriate petitions, schedules of assets and liabilities, statements of affairs, answers, motions and other legal papers;
 - d. Representation of the Debtor at the first meeting of creditors and such other services as may be required during the course of the bankruptcy proceedings;
 - e. Representing the Debtor in all proceedings before the Court and in any other judicial or administrative proceeding where the rights of the Debtor may be litigated or otherwise affected;

- f. Preparation and filing of a Disclosure Statement (if required) and Chapter 11 Plan of Reorganization; and
 - g. Assistance to the Debtor in any matters relating to or arising out of the captioned case.
6. Except as described, to the best of Debtor's knowledge, neither Baker nor any other person associated with Baker has any other connection with the Debtor, Debtor's creditors, or any other parties in interest, or the attorneys and accountants for such creditors, or other parties in interest, the United States Trustee, or any person employed in the office of the United States Trustee. To the best of the Debtor's knowledge, neither Baker nor any other person associated with Baker holds or represents any interest adverse to Debtor's estate in the matter on which Baker is to be engaged by Debtor and Baker, is a "disinterested person" within the meaning of Section 101(14) of the Bankruptcy Code. Exhibit A attached to the Application is Baker's Unsworn Declaration under §327 and Rule 2014.
7. For legal services rendered in the above-captioned case, the Debtor has agreed to compensate Baker in accordance with its normal billing practices. The current hourly rates for services rendered by Baker in this proceeding are set forth on the attachments. Additionally, the Debtor has agreed to pay for the reasonable and necessary expenses incurred in rendering legal services to the Debtor, including, but not limited to, postage, photocopying, long distance charges, depositions, and filing fees. Pursuant to the Bankruptcy Code, the fees of Baker together with its necessary disbursements and expenses, constitute administrative expenses of Debtor's estates in such amounts as may be allowed by the Court. In compliance with Section 329 of the Bankruptcy Code and Bankruptcy Rule 2016, attached as Exhibit B to the Application is Baker's disclosure regarding his compensation agreement with the Debtor.
8. USA Roofing deposited with Baker the amount of \$15,000.00 on December 9, 2022, prior to the filing of the case. Baker applied \$1,738.00 for filing fees and \$4,620.00 for the payment of pre-petition fees

and other expenses. The remaining amount of \$8,462.00 shall be held by Baker in its IOLTA account subject to order of the court.

9. The chapter 11 post-petition payments to Baker are projected to be made by the Debtor. The owner of the Debtor has guaranteed the payments of the fees and expenses of the Debtor.
10. The Debtor has agreed to deposit with the Firm additional amounts each month of approximately the fees for the services provided. The funds deposited with the Firm will be held in one of the Firm's trust accounts and will be applied to post-petition invoices upon approval by the Bankruptcy Court.
11. The Debtor selected Baker because of its reputation and experience in bankruptcy matters. Such employment is necessary and in the best interest of Debtor and its estate.
12. Baker is duly admitted to practice before the United States District Court for the Southern District of Texas.
13. The Office of the United States Trustee has been provided with a copy of this Application.
14. No previous application for the relief requested herein has been made to this or any other Court.

WHEREFORE, Debtor requests the entry of an order that (i) authorizes the Debtor, USA Roofing, to employ, and that the Court appoint, Reese W. Baker and Baker & Associates, as attorneys for the Debtor and to approve the designation of Reese W. Baker as the attorney in charge; (ii) subject to further Court approval as to amounts, compensate Reese W. Baker in accordance with its normal billing practice and to reimburse such law firm for its necessary disbursements and expenses; (iii) authorize the Debtor to deposit with Baker and Baker to retain in the IOLTA account monthly deposits, subject to court approval for application to the unpaid fees and expenses, and (iv) grant the Debtor such and further relief as is just and equitable.

Dated: January 6, 2023

Respectfully submitted,

USA Roofing Partners, LLC

By: /s/ Kevin Jones
Kevin Jones

CERTIFICATE OF SERVICE

I certify that on January 6, 2023, I caused a copy of the foregoing document to be served by the Electronic Case Filing System for the United States Bankruptcy Court for the Southern District of Texas.

I further certify that on January 9, 2023, I caused a copy of the foregoing document to be served by U.S. Mail, postage prepaid to all parties on the attached mailing matrix.

See Attached Exhibit List

/s/ Reese W. Baker
Reese W. Baker